

CHAPTER 7 BUSINESS REGULATIONS¹

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ARTICLE 7-1. BUSINESS LICENSE

SEC. 7-1-1. LICENSE REQUIRED.

- (A) **Requirement.** Except as specifically set forth herein, all businesses within the City shall obtain a City Business License in conformity with this Article. Any business, distributor or wholesaler who maintains a business location within the boundaries of the City of St. Johns shall have a local business license issued by the City of St. Johns. \
- (B) **Existing Businesses.** Any existing business already licensed by any Professional, Industrial, Agricultural or other official licensing entity, agency or professional association or by any Federal, State, County, Tribal government, Court or Agency or existing at the time of the passage of this Chapter shall be grandfathered into this Chapter and shall automatically be issued a City Business license to engage in that business, within the city of St. Johns without payment of any additional fee or provision of any other documentation other than that required by section 7-1-5 (B) and providing a copy of such license to the City for its files and records.
- (C) **New Businesses.** New business shall be required to have a business license prior to operation within the City of St. Johns. Any business, whether a sole proprietorship, non-profit, partnership, corporation, Limited Liability Company or other recognized commercial entity which wishes to regularly conduct business in the City of St. Johns or provide delivery of products and/or services from an address or other location(s) within the corporate limits of the City of St. Johns and any distributor or wholesaler who wishes to maintain a business location within the boundaries of the City of St. Johns after the passage of this ordinance shall obtain a business license from the City of St. Johns pursuant to the provisions of Section 7-1-5.
- (D) **Business License Fee.** New Businesses shall be required to pay a fee of \$25.00 upon application for a Business License to defray the costs of review and issuance of the license. Thereafter the business license shall be automatically renewed upon payment of a \$10.00 renewal fee to the City. A Late fee of \$5.00 may be assessed by the city if the renewal fee is not tendered within 3 months of being due.
- (E) **Distributors and Wholesalers.** Every distributor/wholesaler who does not have a physical location within the city boundaries, and which does business only as a distributor or wholesaler as defined in this chapter shall not be required to have a license or permit as required by this chapter.

SEC. 7-1-2. CHANGE OF LOCATION.

- (A) **Change of Business Address.** A business which possesses a current business License shall notify the City of a change of address within ten (10) business days of the change of address. Upon receipt of a notice of change of address, the City shall give notice of such change to the appropriate Fire district.

SEC. 7-1-3. PROHIBITED BUSINESS LOCATIONS AND ACTIVITIES.

- (A) No person shall conduct business within the city in any structure or area where conducting such business is prohibited by state or federal law, by the City's Zoning Ordinance, by the applicable fire code or by other applicable codes or regulations without the consent of the City. No permanent business shall use any location within a public or private street, nor shall an applicant be registered to operate a business in any congested area where its operations might impede traffic or otherwise inconvenience the public.

SEC. 7-1-4. EXEMPTIONS.

A business license shall not be required when:

- (A) Federal or state law precludes requiring a business License or license for the business.
- (B) The business is the sale of handmade or homemade goods, or food products by an owner, proprietor or tenant of agricultural lands, orchards, farms and gardens on which such food products are grown, raised or prepared for market.
- (C) The activity is regulated by the requirements for peddlers, solicitors, transient merchants, special events, special event vendors or carnivals as set forth in this chapter.

SEC. 7-1-5. ISSUANCE OF BUSINESS LICENSE.

- (A) A Business License Application shall be made on forms and in the manner prescribed by the City as described in subsection (B).
- (B) The business License shall include all of the following information and such other information as the City deems reasonably necessary:
- (1) Name of business.
 - (2) Name, date of birth and social security number of the applicant and relationship to the business or entity.
 - (3) Street and mailing addresses of each business location(s).
 - (4) A brief description of the nature and type of business.
 - (5) The type of business entity. If the business is a corporation or limited liability company, non-profit, or other form of business not registered in the state of

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Arizona, then the application shall specify the state where the business was formed and the statutory agent's name and address.

- (6) If applicable, a list of hazardous materials or hazardous waste materials (*as defined by Title 49 USC Chapter 51 Section 5102 and amendments thereto*) which may be handled, used or stored by the business.
 - (7) List of officers/owners/and managers of the business and their addresses. The name and telephone number for the individual(s) who can be called in case of emergency.
 - (9) The length of time for which the right to do business is desired.
 - (10) A copy of the Arizona Transaction Privilege Tax documentation (*if required by the taxing authority*).
 - (11) If the business is subject to a certificate of health or sanitary examination, the applicant shall produce a copy of such certificate or permit from the Apache County Health Department, as provided for in Arizona Revised Statutes. Section 36-136 as amended. This section shall also apply to all new or remodeled restaurants, bars or other businesses which serve food to the public located within the city limits.
 - (12) Where any business specified in this chapter is subject to other federal, state or local licensing, License or permit requirements, i.e., professional, medical, technical, contractors, real estate, etc., the applicant shall produce a copy of such License, License or permit from the appropriate federal, state or local governmental authorities.
 - (13) Any person applying for a business License shall submit the application as established by resolution of the city council.
- (C) Upon receipt of completed business License application, the City shall:
- (1) Check the information provided pursuant to this section.
 - (2) Promptly give a copy of the business License application to the appropriate Fire district providing fire protection services to the property.
 - (3) Issue the License within five working days unless there is good cause to withhold the issuance of a license. If the issuance of a license is withheld, it shall be handled as a suspension of a license pursuant to the provisions of 7-1-12 and 7-1-13 herein.

SEC. 7-1-6. RENEWAL OF BUSINESS LICENSE (PERMANENT BUSINESS).

All local business Licenses shall be automatically renewed by the City each year without the necessity of filing additional paperwork upon payment of a \$5.00 renewal fee to the City unless there has been a material change in the information provided pursuant to Section 7-1-5 or such license is revoked or there is a demonstrable material change in the circumstances upon which the license was originally was granted. A Late fee of \$5.00 may be assessed by the City if the renewal fee is not tendered within 3 months of being due.

SEC. 7-1-7. EXHIBITION OF LICENSE OR PERMIT.

- (A) Every business, peddler, solicitor or transient merchant shall display its License or permit in a location conspicuous to the public at its place of business. Every business not having a fixed place of business, shall require its employees or agents to carry the License or permit, or a true facsimile thereof, at all times while carrying on that business for which the License or permit was granted.
- (B) Every special event sponsor or participant shall post any permit required by this chapter in a location conspicuous to the public during all hours of the special event.
 - (1) Every License or permit holder shall produce and exhibit its License whenever requested to do so by the administrator, by any police officer or by any other person. Failure to display, produce or exhibit the License, whether intentional or by neglect, shall be a violation of this chapter.

SEC. 7-1-8. LICENSE OR PERMIT NOT TRANSFERABLE.

No License or permit granted or issued pursuant to the provisions of this chapter shall be in any manner assignable or transferable to any other person or business. Upon the sale or other transfer of a business, a new business License or other permit shall be required.

SEC. 7-1-9. INSPECTIONS.

- (A) The administrator may inspect the premises of any business for conformance with this chapter. The administrator may inspect the premises only during regular business hours and in a manner, which does not unreasonably interfere with the normal operation of such business.
- (B) Nothing in this chapter shall require any person or business to upgrade or undertake improvements to an existing building or structure to meet new requirements of the city Zoning Ordinance or any other applicable code that would not otherwise be required by that Code. Likewise, a business License shall not have any effect on a legal, nonconforming use as defined in the city Zoning Ordinance. For example, a business currently operating under a legal, nonconforming use designation shall be allowed to continue to carry on that business at the same location in accordance with the City Zoning Ordinance.

SEC. 7-1-10. RECORDS.

- (A) The City shall keep a record of all business Licenses issued.

SEC. 7-1-11. NOTICE OF VIOLATION, OPPORTUNITY TO CURE AND DENIAL OR SUSPENSIONS OF LICENSE.

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- (A) A license to engage in any business, whether a sole proprietorship, partnership, corporation, non-profit organization, Limited Liability Company or other legally recognized entity, or any business, occupation or profession already licensed by any governmental agency, Professional licensing board, Industrial licensing authority, Agricultural licensing organization or authority or any other official licensing association or by any Federal, State, County, Tribal government, Court or Agency shall not be subject to suspension by the City unless such license is suspended or revoked by the original licensing authority and/or there is a continuing non-abated violation of the City ordinances, City Zoning Code or the City Fire Code.
- (B) If the administrator has evidence to conclude that a suspension or revocation is authorized for the reasons set forth in subsection (a) of this section, the administrator shall issue a warning of violation and an opportunity to cure or remedy the violation within 90 days. If the violation remains un-abated, the administrator may then temporarily suspend the License. If a license is temporarily suspended the City shall immediately give the applicant notice by certified mail of the suspension, and of a hearing before the City Council to be held within ten (10) days to determine whether or not the License should be suspended or revoked. This notice shall contain a statement of the reason(s) for the proposed suspension and the suspension or revocation. If the City Council determines that there is good and sufficient reason for the suspension or revocation of the business License, the administrator shall enter an order suspending or revoking the License and notifying the applicant of same by certified mail with five working days of the decision of the City Council.

SEC. 7-1-12. APPEAL RIGHTS.

- (A) If a license is temporarily suspended the City shall immediately give the applicant notice by certified mail of the suspension, and of a hearing before the City Council to be held within ten (10) days to determine whether or not the License should be suspended or revoked. This notice shall contain a statement of the reason(s) for the proposed suspension and the suspension or revocation. The matter shall then be noticed upon the succeeding City Council Meeting Agenda for hearing before the City Council. The Appeal shall proceed in an informal proceeding at which the City Staff and the Appellant may present evidence freely without reference to the Rules of Evidence used in courts of law. Each side shall have 15 minutes to present the evidence in support of its position. If the City Council determines that there is good and sufficient reason for the suspension or revocation of the business License, the administrator shall enter an order suspending or revoking the License and notifying the applicant of same by certified mail with five working days of the decision of the City Council.

SEC. 7-1-13. ENFORCEMENT AND PENALTY.

- (A) It is unlawful for any person to conduct any business from within the city boundaries without first obtaining a license to conduct business within the city in accordance with this chapter. It shall be the duty of the City Manager or his assigned administrator to implement this chapter. The city may enforce this chapter and/or the refusal to issue or

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the revocation of a business license by the City Council by filing a complaint in the magistrate court through the City Attorney. Any person found guilty of violating this chapter shall be punished in accordance with Chapter 5 of the City of St. Johns City Code.

- (B) Any contested action or proceeding under this Article shall be subject to the jurisdiction of and presided over by the city magistrate and shall be conducted as provided for under the rules of procedure in civil traffic and civil boating violation cases.

ARTICLE 7-2. HOME OCCUPATIONS

Home occupations. A home occupation is any activity carried out for gain by a resident, any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and which does not change the character thereof. Home occupations shall be subject to the Home Occupation Requirements as listed in Section 606 of the Zoning Ordinance. If such home occupation is already licensed by any governmental agency, Professional licensing board, Industrial licensing authority, Agricultural licensing organization or authority or by any other official licensing association or by any Federal, State, County, Tribal government, Court or Agency it shall be considered to be licensed with the City of St. Johns pursuant to the provisions of this Section upon providing the city with a copy of such license and the information contained in applicable sections of 7-1-5 (B) if in compliance with the Home Occupation Requirements in Section 606 of the Zoning Ordinance and/or any applicable City Fire Code.

Grandfather Provision. Any business, activity, trade, calling, profession, or occupation, whether a sole proprietorship, partnership, corporation, Limited Liability Company or other recognized entity, which regularly conducts business in the City of St. Johns or provides delivery of products and/or services from an address or other location(s) within the corporate limits of the City of St. Johns and any distributor or wholesaler who maintains a business location within the boundaries of the City of St. Johns at the time of the passage of this ordinance shall be grandfathered into this Chapter and shall be immediately issued a local business license **without the payment of any fee** or the provision of any documentation except that existing businesses shall provide the information required by Section 7-1-5 (B) along with the delivery of a copy of any existing license to engage in such business, activity, trade, calling, profession, or occupation, whether a sole proprietorship, partnership, corporation, Limited Liability Company or other recognized entity, to the City of St. Johns.

ARTICLE 7-3. TEMPORARY PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

SEC. 7-3-1. PERMIT REQUIRED.

It is unlawful for any person to conduct any business which includes sales of goods or services to the general public as a peddler, solicitor or transient merchant without first obtaining a peddler's/solicitor's/transient merchant's permit. A permit card issued by the City shall be kept at all times by any person conducting business as either a peddler, solicitor or transient

merchant and shall be surrendered upon request of the administrator (or designee) or any police officer of the city.

SEC. 7-3-2. EXEMPTIONS.

A person conducting sales required by statute, sales by order of any court or bona fide auction sales pursuant to Arizona law and distributors/wholesalers shall be exempt from the requirements of this article.

SEC. 7-3-3. TRANSIENT MERCHANTS.

A temporary permit may be issued to person(s) operating as a transient merchant for a limited time as determined by the administrator, but in no case greater than fourteen (14) days within a sixty (60) day period, from the date of issuance. The time restriction, and expiration date, shall be clearly stated on the issued temporary permit.

SEC. 7-3-4. PEDDLERS AND SOLICITORS.

An annual permit may be issued to person(s) operating as peddlers or solicitors who meet all the criteria set forth in this article. An annual peddler's/solicitor's permit fee as established by resolution of the city council shall be required at the time of application.

SEC. 7-3-5. APPLICATION AND ISSUANCE OF PEDDLER'S/SOLICITOR'S PERMIT.

Any person applying for a peddler's/solicitor's permit shall submit an application to the City containing the following information:

- (A) Application for a peddler's/solicitor's permit shall be made on forms and in the manner prescribed by the planning and zoning administrator.
- (B) The peddler's/solicitor's permit application shall include all of the following information and such other information as the administrator deems reasonably necessary:
 - (1) Name of business.
 - (2) Name, date of birth and social security number of the applicant and relationship to the business or entity.
 - (3) Complete street and mailing addresses of business location(s).
 - (4) The applicant's telephone number.
 - (5) A brief description of the nature and type of the business.

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- (6) A list of hazardous materials or hazardous wastes as defined by Title 49 USC Chapter 51 Section 5102 and amendments thereto that will be used or stored by the business.
 - (7) Complete description including make and model, License plate state and number, vehicle identification number (VIN) and other identifying characteristics of any vehicle(s) used in the business.
 - (8) The type of business entity. If the business is a corporation or limited liability company, the state where formed and the statutory agent's name and address.
 - (9) List of officers/owners/managers of the business, with their dates of birth, social security numbers, and legal addresses.
 - (10) A copy of the Arizona Transaction Privilege Tax documentation (if applicable).
 - (11) If the business specified in this article is subject to a certificate of health or sanitary examination, the applicant shall produce such certificate or permit from the Apache County Health City, as provided for in Arizona Revised Statutes, Title 36, Chapter 1 Article 2 and applicable Apache County ordinances, as amended. This section shall also apply to all new or remodeled restaurants, bars or other businesses that serve food to the public located within the city limits.
 - (12) Where any business specified in this article is subject to other federal, state or local licensing, License or permit requirements, i.e., professional, medical, technical, contractors, real estate, etc., the applicant shall produce such License, License or permit from the appropriate federal, state or local governmental authorities.
- (C) Any person applying for a peddler's/solicitor's permit shall submit the application along with the applicable application fee as set forth in this article.
- (D) Upon receipt of a completed peddler's/solicitor's permit application, the planning and zoning City shall:
- (1) Promptly notify the police City of the pending application, after which, the police City shall conduct a criminal history check on the applicant(s).
 - (2) Promptly give notice to the appropriate Fire district providing fire protection services to the area where the peddler/solicitor will be working.
- (E) If, as the result of information received from the applicant, the police City, the Fire district or as a result of the City investigation, the administrator determines that the granting of the permit would be detrimental to the public health, welfare or safety, the application shall be denied.

SEC. 7-3-6. APPLICATION AND ISSUANCE OF TRANSIENT MERCHANT'S PERMIT.

Any person applying for a transient merchant's permit shall submit an application to the City containing the following information:

- (A) Application for a transient merchant's permit shall be made on forms and in the manner prescribed by the planning and zoning administrator.
- (B) The transient merchant's permit application shall include all of the following information and such other information as the administrator deems reasonably necessary:
 - (1) Name of business.
 - (2) Name, date of birth and social security number of the applicant and relationship to the business or entity.
 - (3) Complete street and mailing addresses of business location(s).
 - (4) The applicant's telephone number.
 - (5) A brief description of the nature and type of the business.
 - (6) A list of hazardous materials or hazardous wastes as defined by Title 49 USC Chapter 51 Section 5102 and amendments thereto that will be used or stored by the business.
 - (7) Complete description including make and model, License plate state and number, vehicle identification number (VIN) and other identifying characteristics of any vehicle(s) used in the business.
 - (8) The type of business entity. If the business is a corporation or limited liability company, the state where formed and the statutory agent's name and address.
 - (9) List of officers/owners/managers of the business, with their dates of birth, social security numbers and legal addresses.
 - (10) The length of time up to fourteen (14) days within a sixty (60) day period, for which the right to do business is desired.
 - (11) A copy of the Arizona Transaction Privilege Tax documentation (if applicable).

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- (12) If the business specified in this article is subject to a certificate of health or sanitary examination, the applicant shall produce such certificate or permit from the Apache County Health City, as provided for in Arizona Revised Statutes, Title 36, Chapter 1 Article 2 and applicable Apache County ordinances, as amended. This section shall also apply to all new or remodeled restaurants, bars or other businesses that serve food to the public located within the city limits.
- (13) Where any business specified in this article is subject to other federal, state or local licensing, License or permit requirements, i.e., professional, medical, technical, contractors, real estate, etc., the applicant shall produce such License, License or permit from the appropriate federal, state or local governmental authorities.
- (14) In addition to the requirements in section 7-3-6, applicants for a special event permit may be required by the administrator to submit three copies of a plot plan, indicating the following:
 - (a) Exact site location and layout of the event.
 - (b) Location and number of booth spaces, stalls or vending areas.
 - (c) (c) Location of temporary structures and temporary utilities necessary for operation.
 - (d) (d) Location and provision of toilets and other sanitary services.
 - (e) (e) Ingress and egress.
 - (f) (f) Fire and emergency vehicle access.
 - (g) (g) Parking areas.
 - (h) (h) Signage.
 - (i) (i) Lighting.
 - (j) (j) Describe the security and traffic control measures to be taken for the special event.
- (F) Any person applying for a transient merchant's permit shall submit the application along with the applicable application fee as established by resolution of the city council.
- (G) Upon receipt of a completed transient merchant's permit application, the planning and zoning City shall:

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- (1) Promptly notify the police City of the pending application, after which, the police City shall conduct a local criminal history check on the applicant(s).
 - (2) Promptly give notice to the appropriate Fire district providing fire protection services to the area where the transient merchant will be working.
- (H) If, as the result of information received from the applicant, the police City, the fire district or as a result of the City investigation, the administrator determines that the granting of the permit would be detrimental to the public health, welfare or safety, the application shall be denied.

SEC. 7-3-7. ISSUANCE/DENIAL OF PERMIT.

After receiving and reviewing the information required by sections 7-3-6 or 7-3-7, the administrator shall issue or deny the peddler's/solicitor's/transient merchant permit after five (5) working days, or after a local criminal history check is complete (whichever is greater), along with the reason(s) for any denial. The City shall keep a record of all permits issued or denied for a period of one year after the date of the application.

SEC. 7-3-8. TRANSIENT MERCHANT APPLICATION FEES.

- (A) Transient merchants. Any person applying for a transient merchant permit as required by this article shall submit the application along with an application fee as established by resolution of the city council.
- (B) Peddlers/solicitors. Any person applying for a peddler's/solicitor's permit as required by this article shall submit the completed application, along with an application fee as established by resolution of the city council.

SEC. 7-3-9. LOCATION.

It is unlawful for any peddler, solicitor or transient merchant to conduct business in the following manner:

- (A) (a) On any public property, within any public right-of-way or within any portion of a public street, access, lane, or public easement without the city's (or other owner's) express written permission and the permission of the administrator.
- (B) (b) On any public-school grounds without the express written permission of the school district.
- (C) (c) In any congested area where the peddlers or solicitors may impede or inconvenience the public.

SEC. 7-3-10. RESTRICTIONS.

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Peddlers, solicitors and transient merchants shall comply with the following:

- (A) The administrator may approve certain temporary fencing usage if deemed to be in the interest of public safety or required by either the local fire or police department.
- (B) Use of generators shall comply with the noise control provisions of the City Code.
- (C) Signs shall be permitted in accordance with the Zoning Ordinance.
- (D) Transient merchant activities shall be limited to commercial, industrial and public zoning districts. Any proposed transient merchant activities shall comply with the Zoning Ordinance including compliance with the permitted and conditional use requirements of each section.

SEC. 7-3-11. SIGNS PROHIBITING PEDDLING, SOLICITING OR TRANSIENT MERCHANDISING.

It shall be unlawful for a peddler, solicitor or transient merchant, in the course of business, to ring the doorbell or knock at any building whereon any of the following signs is exposed to public view: No Peddlers, No Solicitors or Canvassers, No Transient Merchants, No Soliciting or No Trespassing or any other sign which has similar words or intent.

ARTICLE 7-4. SPECIAL EVENT PERMITS.

SEC. 7-4-1. PERMIT REQUIRED.

It is unlawful for any person to conduct or sponsor a special event within the city limits without first obtaining a special event permit pursuant to the requirements of this article. It is also unlawful for any person to sell or offer for sale goods or services at a special event within the city limits without first obtaining a special event vendor's permit pursuant to the requirements of this article.

SEC. 7-4-2. TIME RESTRICTION.

A special event permit shall be limited to the specific time restriction shown on the permit and in no case shall exceed five (5) consecutive calendar days.

SEC. 7-4-3. APPLICATION REQUIREMENTS.

Any person applying for a special event permit shall submit an application to the City with the following information:

- (A) Applications for special event permits shall be made on forms and in the manner prescribed by the planning and zoning City.

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- (B) The special event permit application and special event vendor's permit application shall include all of the following information and such other information as the City deems reasonably necessary:
- (1) Name of person, business or organization.
 - (2) Name, date of birth and social security number of the applicant and relationship to the person, business or organization.
 - (3) Complete street and mailing addresses of each person, business or organization.
 - (4) A brief description of the nature and type of the business or organization.
 - (5) A list of hazardous materials or hazardous wastes as defined by Title 49 USC Chapter 51 Section 5102 and amendments thereto that will be used or stored by the business.
 - (6) The type of business entity. If the business or organization is a corporation or limited liability company, the state where formed and the statutory agent's name and address.
 - (7) Whether the business is for profit or nonprofit. Proof of nonprofit status is required. See Section 7-1-1.
 - (8) List of officers/owners/managers of the business or organization, with their addresses.
 - (9) The dates and times for the special event.
 - (10) A copy of the Arizona Transaction Privilege Tax documentation (if applicable).
 - (11) If the business specified in this article is subject to a certificate of health or sanitary examination, the applicant shall produce such certificate or permit from the Apache County Health City, as provided for in Arizona Revised Statutes, Title 36, Chapter 1, Article 2 and applicable Apache County ordinances, as amended.
 - (12) Where any business specified in this article is subject to other federal, state or local licensing, License or permit requirements, i.e., professional, medical, technical, contractors, real estate, etc., the applicant shall produce such License, License or permit from the appropriate federal, state or local governmental authorities.

SEC. 7-4-4. SPECIAL EVENT PLOT PLAN.

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In addition to the requirements in section 7-4-3, applicants for a special event permit may be required by the administrator to submit three copies of a plot plan, indicating the following:

- (A) Exact site location and layout of the event.
- (B) Location and number of rides, booth spaces, stalls or vending areas.
- (C) Location of temporary structures and temporary utilities necessary for operation.
- (D) Location and provision of toilets and other sanitary services.
- (E) Ingress and egress.
- (F) Fire and emergency vehicle access.
- (G) Parking areas.
- (H) Signage.
- (I) Lighting.
- (J) Describe the security and traffic control measures to be taken for the special event.

SEC. 7-4-5. SPECIAL EVENT PERMIT APPLICATION FEE.

Any person applying for a special event permit as required by this article shall submit an application along with an application fee, as established by resolution of the city council. This fee may be waived by the city manager or his/her designee for nonprofit organizations only. Any determination made by the city manager or his/her designee regarding waiver of the required fee may be appealed to the city council.

SEC. 7-4-6. SPECIAL EVENT VENDOR'S PERMIT APPLICATION FEE.

Any person applying for a special event vendor's permit as required by this article shall submit an application along with an application fee, as established by resolution of the city council. This fee may be waived by the city manager or his/her designee for special event vendors who are nonprofit organizations only. Any determination made by the city manager or his/her designee regarding waiver of the required fee may be appealed to the city council.

SEC. 7-4-7. SPECIAL EVENT PERMIT APPROVAL/DENIAL.

- (A) **Investigation.** Upon receipt of an application, the administrator or designee shall conduct the necessary investigation for the protection of public health, safety, welfare and overall public good. The permit application and any required plot shall be referred to the applicable fire district providing area fire protection and the police City.

- (B) **Criminal History Check.** The police City shall conduct a local criminal history check on the applicants for all special events. After receiving and reviewing the information required by section 7-4-3, the administrator shall issue or deny the special event permit after five (5) working days, or after a local criminal history check is complete (whichever is greater), along with any conditions of approval, or, if denied, the reason(s) for any denial.
- (C) **Records.** The City shall keep a record of all permits issued or denied for a period of one year after the date of the application. If, as a result of such investigation, any agency determines that the granting of the permit would be detrimental to the public health, welfare or safety, the application shall be denied. If a special event permit or a special event vendor's permit application is denied, the reason(s) for the denial shall be given in writing within ten (10) days of the denial. The City shall keep a record of special events permits issued for a period of two (2) years.

SEC. 7-5-1. DEFINITIONS.

In this chapter, unless the context otherwise requires:

“Business” means any Partnership, Corporation, Limited Liability Company, Sole Proprietorship or other recognized business entity, which regularly provides delivery of products and/or services from an address or other location(s) within the corporate limits of the City of St. Johns. Business does include a distributor/wholesaler with a business location within the corporate limits of the City of St. Johns but does not include a distributor/wholesaler located outside the city's corporate limits. Business includes "home occupations" as defined by the City of St. Johns Zoning Ordinance but does not include any trade, calling, profession, occupation already requiring a license to engage in such trade, calling, profession, or occupation.¹ Business does not include public schools, churches, amateur athletic teams or other similar organizations.

“Permanent business” means a business use which occurs for a period of more than six months in any twelve (12) month period.

“Temporary business” means a temporary business use which occurs for a period of less than six months in any twelve (12) month period.

“Carnival” means and includes circuses, menageries, side show, and other similar amusement enterprises which are open to the public. The term “carnival” as used herein shall include rides, merry-go-rounds, and booths for the conduct of games of skill, food dispensing facilities, and side shows.

“City” means the City of St. Johns, it's agents and assigns.

¹ A.R.S. §9-842.

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“Distributor/wholesaler” means a person or business that sells or distributes goods to retailers for resale, only. A distributor/wholesaler shall not include a person or business who sells goods direct to the public. A person or business who sells or distributes goods both to resellers and the public does not qualify as a distributor/wholesaler for purposes of this chapter.

“Fire” means the City of St. Johns Fire City or other fire district, municipal fire City, as applicable.

“Home occupation” means any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and which does not change the character thereof. Home occupations shall be permitted in any residential zone consistent with the provisions of the City Zoning Code.

“License” means a business License required, permanent or temporary, by this article.

“Material change in circumstances” means. A substantial change in the information provided under 7-1-5 (B) including a change in the telephone number, address, such that failure to update the information would lead to a reasonable person to conclude that failure to update or provide the information would result in a circumvention of the purposes of this chapter.

“Nonprofit organization” means any association, business or other entity organized and operated not for pecuniary profit and which has a letter or other document from the Internal Revenue Service verifying such nonprofit status.

“Peddler” means any person who conducts the business of selling goods, wares, merchandise, food or personal property of any nature whatsoever and who does not intend to establish a permanent business location within the city or who conducts such business by foot, cart, wagon, motor vehicle or any other type of conveyance from place-to-place, house-to-house, street-to-street, or business-to-business. Peddler shall not include a distributor/wholesaler.

“Permit” means a peddler's, solicitor's, transient merchant, special event vendor, carnival or a special event permit as described in this chapter.

“Person” means an individual, firm, sole proprietorship, partnership, joint venture, association, corporation, Limited Liability Company or any other recognized entity acting as a unit, person shall apply in the plural as well as the singular number. Person includes subsidiaries of corporations or other businesses.

“Planning and zoning administrator” or “administrator” means the administrator of the city's planning and zoning City and his or her designee.

“Police” means the police of the City of St. Johns.

“Retailer” means a person who buys products or goods from a producer, Licensed manufacturer or a distributor/wholesaler for resale to a consumer only.

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“Reasonably necessary” means that the information or act is required to accomplish or effectuate the particular purposes of this chapter to a degree that its absence would lead to a reasonable person to conclude that the purposes of this chapter would be circumvented.

“Solicitor” means a salesman or peddler which takes or attempts to take orders for the sale and future delivery of goods, wares, merchandise, intangibles, personal property of any nature whatsoever or services to be furnished or performed in the future, rather than selling such items from inventory or stock currently in possession. A person may be a solicitor regardless of whether such person has, carries, or exposes for sale a sample of the subject of such order, and regardless of whether such person collects advance payment on such sales or orders. Solicitor shall not include a distributor/wholesaler.

“Special event” means, but is not limited to, holiday sales, show promoters and show vendors, carnivals, temporary swap meets, art shows, festivals, religious revivals, political rallies, vehicle shows and displays, swap meets, rodeos, parades, marches, demonstrations and similarly recognized temporary activities. A special event may take place inside a temporary or permanent structure or outside. A special event shall not include weddings and funeral ceremonies, elections, private yard sales, fundraising-type car washes, and activities such as retail sales promotions or sidewalk sales that are otherwise lawfully conducted and which are in accordance with the provisions of the city’s Zoning Ordinance. A special event shall not include minor fundraising activities of public schools, churches, or other nonprofit organizations which have a minimal impact on surrounding properties. Any organization claiming nonprofit status shall possess a letter or other documentation from the Internal Revenue Service proving nonprofit status.

“Transient merchant or vendor” means any person who engages in temporary business of selling and delivering goods, wares, or merchandise within the city, and who in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, public room in a hotel, lodging house, apartment, shop, or any street, alley or other place within the city for the exhibition and sale of such goods, wares, or merchandise either privately or at public auction. The person or firm so engaged shall not be relieved from complying with the provisions of this chapter merely be reason of associating temporarily with any local dealer, trader, merchant or auctioneer or by conducting such transient business with, as a part of, or in the name of any such dealer, trader, merchant or auctioneer.

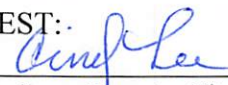
“Zoning Ordinance” means the City of St. Johns Zoning Ordinance.

PASSED AND ADOPTED by the mayor and Council of the City of St. Johns, Arizona, this
14th day of July, 2021

APPROVED:

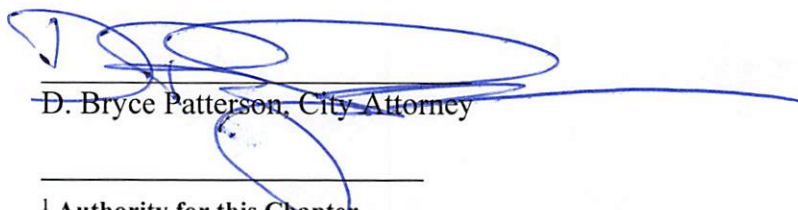

Spence Udall, Mayor

ATTEST:


Cindy Lee, Deputy City Clerk

APPROVED AS TO FORM:

ORDINANCE NO. 07122021



~~D. Bryce Patterson, City Attorney~~

¹ **Authority for this Chapter.**

General licensing authority, A.R.S. §§ 9-240(B)(18), (B)(19).

Statutory restrictions on fees assessed on occupation and professions, A.R.S. §9-842 *et. seq.*

Original Source: City of Show Low City Code, Chapter 8. (*As modified*)

Enactment Date; 7-14-21

Reference; Zoning Ordinance, Sections 606, 610, 612, and 614

Cases: State Ex. Rel. Brnovich vs. City of Phoenix, 249 Ariz. 239, 468 P.3d 1200 (Ct.App. 2020).